

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ISABEL LITOVICH, on Behalf of Herself and  
All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION; *et*  
*al.*,

Defendants.

Case No. 1:20-cv-03154-LJL

~~PROPOSED~~ ORDER GRANTING MOTION  
FOR LEAVE TO ADD NAMED PLAINTIFFS AND  
FOR APPOINTMENT OF INTERIM CLASS COUNSEL

Having considered the Plaintiffs' Unopposed Motion for Leave to Add Named Plaintiffs and for Appointment of Interim Class Counsel (the "Motion") and the submissions made by Plaintiff's counsel, the Court Orders as follows:

1. The Motion is GRANTED.
2. Pursuant to Rule 21 of the Federal Rules of Civil Procedure, Interim Class Counsel, as designated in this Order, should file a Consolidated Complaint no later than ~~June 15, 2020~~ July 14, 2020, adding Frank Hirsch, Michael V. Cottrell, Holdcraft Marital Trust, and United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund as Named Plaintiffs.
3. Pursuant to Rule 23(g)(3) of the Federal Rules of Civil Procedure, this Court appoints Scott+Scott Attorneys at Law LLP and Korein Tillery LLP as Interim Class Counsel for the Plaintiffs and the putative Class in the above-captioned action and any other subsequently filed related actions.

4. Interim Class Counsel shall be responsible for the overall conduct of the litigation on behalf of the putative class of plaintiffs, including providing supervision of all plaintiffs' counsel in this litigation. Interim Class Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Interim Class Counsel shall designate:

- (a) promote the efficient conduct of this litigation and avoid unnecessary duplication and unproductive efforts by making and supervising all work assignments;
- (b) conduct or coordinate the conduct of all pretrial, trial, and post-trial proceedings on behalf of the putative class and act as a spokesperson for the putative class;
- (c) prepare and file any subsequent pleadings on behalf of Plaintiffs and the putative class;
- (d) make, brief, and argue motions;
- (e) conduct or coordinate the conduct of discovery proceedings consistent with the Federal Rules of Civil Procedure;
- (f) negotiate with, retain, and manage relations with outside vendor(s) for the collection, processing, or review of documents and electronically stored information produced in discovery;
- (g) consult with and retain expert witness for the putative class;
- (h) monitor activities of plaintiffs' counsel to whom they delegate work and implement procedures to ensure that schedules are met and unnecessary expenditures of time and funds are avoided by collecting from each firm regular time and expense reports;
- (i) negotiate with defense counsel with respect to settlement and other matters;

(j) prepare and file any application for settlement(s) or award(s) (or approval) of fees and reimbursement of expenses incurred by the putative class and allocate such an award;

(k) negotiate with, retain, and manage relations with outside vendor(s) relating to any settlement, including without limitation, claims administrators and escrow agents;

(l) ensure that all plaintiffs' counsel and plaintiffs are informed of the progress of this litigation as necessary; and

(m) conduct or coordinate any other matters concerning the prosecution, resolution, or settlement of the litigation.

IT IS SO ORDERED this 14 day of July, 2020.



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Honorable Lewis J. Liman  
UNITED STATES DISTRICT JUDGE